

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

DANIEL HERNANDEZ-HERNANDEZ,  
ET. AL.

Plaintiffs,

vs.

BASS PRODUCE, INC.; GEORGIA  
GROWERS ASSOC., INC., and NEON  
EARL BASS, JR.

Defendants.

1:03-CV-47 (WLS)

**ORDER**

Presently pending before the Court is Plaintiffs' motion for reconsideration of this Court's order granting summary judgment in favor of Plaintiffs. (Tab 51). Plaintiffs argue that the Court erred by failing to award damages without a hearing and based on the record before the Court. Essentially, Plaintiffs argue that damages are easily ascertainable from the record and should be awarded without a hearing.

It is true that where damages are calculable they can be awarded on summary judgment. Golden Door Jewelry Creations v. Lloyds Underwriters Non-Marine Association, 117 F.3d 1328 (11<sup>th</sup> Cir. 1997). A review of the record and Plaintiffs' summary judgment briefs reveal that damages are not readily calculable. Pages 16 - 25 of Plaintiffs' brief on the motion reveal that such damages are not readily calculable and involve the weighing of evidence. Further, even though Plaintiffs' make a FLSA claim, there are at least two theories of recovery, plus liquidated damages, supporting separate damage awards. Lastly, a damage award will require the calculation of mis-paid wages for numerous individual Defendants. Therefore, Plaintiffs' motion for reconsideration (Tab 51) is **DENIED.**

**SO ORDERED**, this 29<sup>th</sup> day of April, 2005.

/s/W. Louis Sands  
**W. LOUIS SANDS, CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**